



"BE THOU THE FIRST, OUR EFFORTS TO BEFRIEND,—HIS PRAISE IS LOST, WHO STAYS 'TILL ALL COMMEND."

WEDNESDAY, OCTOBER 19, 1803.

FOR THE HIVE.

CONSIDERATIONS ON CAPITAL PUNISHMENTS.

CRIMES and criminals are subjects that have employed the pens of the moralist, legislator, and philosopher. The mild hand of clemency has been tried to little purpose; and stern severity has been exercised with little effect.

To form the criminal code in any government, is at once a nice, difficult, and important point, and calls for all the wisdom and ingenuity of the legislature. If the criminal code be defective, our liberty is invaded; if it be ill constructed, our lives are insecure. The end of all punishment, as laid down by the oracle of the political world,* is restitution to the injured, reformation to the criminal, and example to others. Thro' a zeal more enthusiastic than just, example is the end too often employed, and the frequency of the punishment is the increase of the crime. Governments have ever inclined, rather to execute in blood than reform by clemency, and by their bloody execution destroy reformation. When we view the criminal code in different governments in every age, the mind recoils with horror, and we cry, Alas! where has been the security of our lives.—The rule, so equitable in itself, so consonant to reason, justice, and common sense, that the punishment should be proportioned to the crime, is little adhered to by the legislators in their formation of a criminal code. Even in the mild government of the United States, which is said to unite the wisdom of the world, we find in some of the state governments, the dark assassin and petty horse thief receive the same punishment. The English government which has been so much eulogized by her own and foreign writers, a government which some have been so bold as to call the most perfect fabric of human reason, makes no less than one hundred and sixty crimes of felony without benefit of clergy.

Whether it be just, and whether it be politic in any government to prefer example to reformation, and punish crimes different

in their nature and degree with the same severity, are subjects as important as they are interesting.—As to the justice of the procedure there can be little doubt in the mind of any man. Reason revolts at the idea that the petty swindler and polluted ravisher of innocence should receive the same punishment. It at once saps the foundation of rewards and punishments. If little crimes merit the same severity that great ones deserve, then are small acts of virtue entitled to the same reward with great. But moral philosophers will inform us, that "a small virtue opposed to a greater becomes a vice;" and for the same reason a smaller vice opposed to a greater, when one or the other is inevitable, becomes a virtue.

The ground-work of public and ignominious punishments, is policy. It is said by the advocates of capital punishments, that by making an example of criminals by a public execution, terror is struck in the minds of those that witness the awful dissolution; and that they are deterred from committing the like crime lest they should meet with the like punishment. Is this the fact? And is it consonant to reason that it should be the fact? Have we not examples of men who, whilst present at the place of execution, committed crimes which would make them another object of a like assembly? Have we not heard of the very man who discharged the horrible and disagreeable task, of the man who launched the criminal into eternity, himself within three hours after, commit a crime which would require another to discharge the office of a hang-man?—Nay, have we not heard of men who, pardoned from under that gallows on which they were, in a few minutes to swing, renew their crime whilst making their way through the crowded and astonished multitude?—Such has been the baseness, hardness, and audacity of man.—And why has example no effect upon the minds of men? Because, as the learned Montesquieu has observed, when any object is frequently presented to us, the mind becomes habituated to it, and the object being familiar to the imagination, loses its terror and its novelty. Who can say that he felt the same emotions upon his second view of a public execution that he

did at the first, and as much at the third as he did at the second? Surgeons no doubt will tell us, with what horrible sensations they were agitated when they first witnessed a bloody operation upon a ghastly patient in agonizing pain; and they will tell us, with what deliberation, coolness, and unchanged muscles, they can now themselves execute what before they could scarce behold.—Horror and danger have the same effect upon the mind, that pleasure and novel prospects have upon the eye. Let them be often presented, and the frequency of the presentation will disarm the one of its terror and the other of its novelty.

Let us for a moment turn to history for a confirmation of this infernal policy. In Russia, in the reign of the great, but bloody, Peter the first, criminals of all order and degree were punished with all the tortures which savage ingenuity could invent, or blood thirsty minds suggest. Though they had not the bed of *Procrestes*, they had the hook, the stake, and the rack. From spikes they writhed out their lives, and the Wolga daily crimsoned with their blood, tinged the dark coloured sea that received her.—In what town were crimes more frequent, and criminals more tortured than in Moscow? By day they meditated the crimes which by night they executed, and every morning, the sun rose upon the fresh mangled bodies of her citizens. If history is to be credited, under the mild reign of the daughter of Peter, who abolished all capital punishments, and substituted transportation in place of the torture, crimes lessened in number, as her mild reign increased in years. The minds of her subjects became less habituated to blood, and their hearts less callous to crime. Those deeds which shocked human nature, were no longer meditated, no longer committed.

Amongst what people have crimes been more numerous and unnatural, and punishments more severe and inhuman, than the Japanese? For the most trivial offence, as well as for the most heinous deed, the torture is employed. It is necessary, if they wish their servants and their children to live free from the basest and worst of crimes, to keep them from the daily spectacles of pub-

* Baron Montesquieu.

lie executions.—But why have recourse to these countries. The more civilized and polite people of France afford a living example of the lamentable truth. Behold that country covered with crime, particularly in the northern provinces, at the very time that their edicts and laws were most sanguinary.—The hand still reeking with a brother's blood, is raised to plunge the dagger in another's breast.—Living under laws as bloody as they are unjust; accustomed to scenes of cruelty and barbarity; punishment is disarmed of its efficacy, and death has lost its terror. It may be objected to my drawing conclusions from these countries;—but the heavens may be rent assunder—the earth convulsed may tremble to her centre—the planets having lost their spheres, in lawless confusion, may throw the world in chaos—yet HUMAN NATURE will remain eternally the same, unaltered, and unchanged.

LUCIUS LUCERBUS.

Mr. McDowell will oblige a Subscriber, by giving the following Essay a place in his paper. It originated in the Hudson Balance.

THAT man's nature is depraved and his moral taste corrupted, is equally affirmed by reason and corroborated from experience.

In life's first stage we view the harmless infant: its artless smiles attract our love; its playful acts and lisping voice plead powerfully its innocence, and check the rising thought that innate evil lurks within his heart—So fair a rose, conceal an envious thorn? 'Ere opes the bud, a poisonous seed within? A surmise like this, at first would seem untender, and be thought unworthy of any but the contracted breast and illiberal heart; and could the mind preserve its pristine whiteness, unspotted by the arrival of maturer years, it would be uncharitable to call in question its native purity; but while the eye of affection is intent on viewing the fancied blossom of perfection, another season in life is hastening. The silent foot of time moves swiftly on. The blush of morn is transient. Approaching childhood kindles latent sparks, awakens dormant powers, extends the sphere of action and opens an ample field for nature to display its innate qualities. But progressive age robs the diamond of its lustre, and the sun of innocence of its effulgence; for scarcely does the dawn of reason commence, but gloomy clouds obscure the mental horizon. No sooner does the expanding mind acquire the liberty of its powers and strength to exert them, than the eye of diligence must guard, the hand of prudence direct, and the counsels of experience advise, instruct, and impress it; prune its excesses, direct its young ideas, "check every fault and every worth improve." Hence the tender solicitude and watchful care of parental fondness—"Care, full of love, and yet severe as hate, o'er their

soul's joy, how oft their fondness frowns! Needful austerities the will restrain, as thorns fence in the tender plant from harm." Even at this early age, the haughty spirit scarce can brook controul. The stubborn will resists the voice of tenderness, that kindly would restrain its eccentricities. Impetuous passion feels above correction from the mild counsels of friendly admonition, nor yields but to the sterner power of rigid discipline. And when a few more years have added corporal strength and mental vigour, the bosom teems with furious passions and wild desires enslave the selfish heart. The charms of pleasure strike the eye of fancy, and virtue is reproached with asperity.

Such are the first openings of the youthful mind, the taste and features of depraved nature; and were it not for the impulse of conscience, the restraints of providence and the influence of education, in vain would be the boast of reason's faculty: Its feeble powers would grovel in the dregs of sense and yield a victim to the sway of passion. Superior man, might learn superior wisdom from the brute, and rise to eminence in degradation. Could human sight pierce thro' the veil, view nature in her dark abode within, explore the dawning purposes of the heart, and canvass embryo thought—such skill, with power electric, would palsy human intercourse, and the lion's covert, tyger's den, or fiercer crocodile's retreat would scarce awaken a severer dread, or fill the mind with greater terrors than the society of smiling man.

GULIELMUS.

[The noble and just sentiments expressed in the two following Letters, will, we hope, be of some use to the rising generation, as they may serve to caution some, and to reclaim others, who are not already too far sunk in luxury and vice.]—BOS. W. MAG.

CICERO, TO HIS SON MARCUS,

To reclaim him from his loose course of life.

[No. I.]

CAN I think, O Marcus, thy vicious course of life could offer to eclipse my glory? I would question even the oracles of truth in this case, for nothing is more difficult than to make a man believe what he does not like: Yet I am obliged to give credit to my senses. I see thee daily involved in all kinds of luxury, and hear thee as often discoursing on nothing but vanity. Ill fortune had no other way to attack me. My country owes its safety to me, and both the senate and people have styled me their preserver. I have surmounted the meanness of my birth, and baffled all the attempts of envy, malice, pride and calumny against me. Nothing but the vagaries of Marcus could render me unhappy. Poor unfortunate Cicero! reduced to that state by the disobedience of a child, which thy enemies could not bring thee to. Thou Marcus, thou alone

robbed me of my honor, obscurest my virtue, and cloggest the wings of my fame. Upon what a weak foundation have I founded my hopes? Upon one, who, instead of striking in with me towards the acquiring of glory, will, if he does not reform, leave to posterity the character of a libertine: and whereas he might inherit the renown due to my labors, will deprive his father of all content, and himself of all esteem. But it is yet time, O my son, both to recant thy errors, and return to thy studies. By one, thou wilt restore my quiet; and by the other, enrich thyself. It is never too late to learn. I have known a man of an hundred years old thirst after instruction; nay, all wise men will hearken to their friends, even when they are dying. Cast off then that yoke which vice has put upon thee, and whereby thy mind is depraved, thy senses stupified, thy reputation lost, and mine obscured. Consider these worldly pleasures as syrens, that decoy thee to thy ruin, and which are really nothing but vain, vile, frail, short-lived things, subject to a thousand accidents, and whose end is only torment and repentance. Yet all this while I do not speak against those diversions that unbend the mind. A bow always bent is soon broken, and the imbecility of our nature requires some recreation. I blame only incontinence, luxury, and a superfluous use of meat and drink. No vice is more abominable than intemperance, from whence all other vices flow: Yet to those thou hast raised altars; to these thou payest thy vows. I wonder thou dost not fly the common society of mankind, to get rid of their continual reproaches. Thou art either not a man, or not my son. Drunkenness has transformed thee, and, like that of Alexander the Great, has tarnished all thy glory. The delights of Capua enervated the prowess of Hannibal. Whilst thou art drunk, O Marcus, thy head turns round, thy tongue falters, thy eyes deceive thee, thy feet fail thee, and thy stomach offends thee. Wherefore, if thou art not altogether become stupid, thou must needs be sensible thyself of the inconveniences of this vice. My cheeks burn with shame, while I reprove thee for these enormities, and my mind is under apprehensions of contaminating itself by the bare naming them. Believe me, Marcus, vice has got the ascendant over thy reason, and will not suffer thee to be sensible of thy folly. It will not permit thee to look through the thick fogs that envelope thy brain, and conceals its own deformity from thee. It keeps thee from discerning the splendor of virtue, and the brightness of thy race. If thou couldst but view the beauties of virtue, I am confident thou wouldst soon be in love with her. No heart can be so hardened, but must be affected by her charms. The wide world cannot shew any thing more amiable. She is praise to herself; and without her, perfection would be nothing. She gains us, by

her authority, even the love of our enemies. The sun once stopped his course to admire her. Also death itself, which nothing else can conquer, and which buries every thing in oblivion, yet yields to her, and submits to that immortality which is only acquired by her. Tell me, I beseech thee, my son, what is become of all the ancient Greek magnificence in building? Is it not devoured by time? Yet the works of virtue live, and will do so to all eternity. Both the names and actions of virtuous persons will endure the utmost test of time, and, through all the endless revolutions of ages, flourish. He need not to fear the horrors of death, O Marcus, who can be sure to out-live the bounds of life by his virtue: Whilst thou, if thou continuest in this sensuality of thine, as thou hast lived unregarded, wilt die unlamented, and rot in the grave unremembered: Or if thou shouldst leave any name behind thee, it will be devoted to infamy, than which it were far better to have been condemned to oblivion. That is but a foolish opinion which some entertain, and which I daily reflect upon with contempt and disdain, that our happiness ends with our lives, and our glory ceases with our deaths. Those men know not, that true life begins at the grave, and springs from the very bosom of death. Our souls are Phenixes, which revive from our own ashes. Then are our names eternized; then have envy and malice no more power to obscure our merits, or to dispute our title with us to fame. The privileges of our souls would be nothing, if they were subject to the corruption of the body. Now, son, Marcus, if thy obstinacy will not give thee leave to lay hold on these instructions; if thou wilt still continue thy converse with brutes, who have no other sense than their lusts; if, in a word, thou wilt persist to forfeit both mine and thy own reputation by thy ill courses, I have no absolute authority over thy will, I can only satisfy myself in that I have thus far opposed thy vicious inclinations. Farewell.

[No. II, in our next.]

A BON VIVANT.

"ROSE at twelve with a most confounding head-ache—eyes sunk in my head—my mouth dreadfully parched—my pulse feverish—could not eat my breakfast, so drank a bumper of brandy to set me to rights. About two o'clock sauntered down to the coffee-house, and had a bason of Vermicelli, with three glasses of Noyau. At half past two eat a devil'd kidney, and drank two glasses of Madeira. Half an hour afterwards took a glass of Nervous Restorative Cordial, and washed it down with a dram. About five, finding my appetite very la! la! took two glasses of bitters, and at half past six sat down to dinner. Could not eat a morsel—what the devil ails me?—A gentleman, said

I must go to bed sooner, take more exercise, & never touch any thing between meals—Hear these prating fellows—How the devil can I lead a more regular life?—Don't I live every day the same?—However, though I could not eat at dinner, I made amends by drinking; for before the cloth was taken away, I had dispatched a bottle of Madeira and three bumpers of brandy, by way of settling my stomach!

"At eight o'clock sat in to drinking, and by two in the morning, had taken to my own share three bottles of port, and five devil'd biscuits.

"At three o'clock got home, and finding myself rather queer, took two glasses of hot brandy and water, half and half, and having nothing else to do, undressed myself as well as I could, and went to bed." [Lon. pop.]

Of how many, in this country, is this journal the epitome? Oh! that men, professing the attributes of reason and intellect, should clothe themselves in the sensual habits of brutes.

FILIAL SENSIBILITY.

A YOUNG gentleman, in the Military Academy, at Paris, ate nothing but soup or dry bread, and drank only water. The governor attributing this singularity to some excess of devotion, reproved his pupil for it, who, however, continued the same regimen. The governor sent for him again, and informed him, that such singularity was unbecoming him, and that he ought to conform to the rules of the Academy. He next endeavored to learn the reason of this conduct; but as the youth could not be persuaded to impart the secret, he at last threatened to send him back to his family. This menace terrified him into an immediate explanation. "Sir," answered he, "in my father's house, I eat nothing but black bread, and that very little: here I have good soup and excellent white bread, and may fare luxuriously. But I cannot persuade myself to eat any thing else, when I consider the situation in which I left my father and mother." The governor could not refrain from tears, at this filial sensibility: "Your father," said he, "has been in the army; has he no pension?"—"No," replied the youth, "for twelve months past he has been soliciting one: the want of money has obliged him to give up the pursuit; and rather than contract any debts at Versailles, he has chosen a life of wretchedness in the country."—"Well," returned the governor, "if the fact is as you represent it, I promise to obtain for him 500 livres a year. And since your friends are in such poor circumstances, take these three louis d'ors for your pocket expenses: and I will remit your father the first half year of his pension in advance." "Ah! sir," returned the youth, "as you have the goodness to remit a sum of money

to my father, I intreat you to add these three louis d'ors to it. Here I have every luxury I can wish for: they would be useless to me—but they would be of great service to my father for his other children."

A BEAU OF THE FOURTEENTH CENTURY.

CONCEIVE to yourselves a Quixotic figure of a man with long-pointed shoes fastened to his knees with gold chains; those of one colour on one leg, and of another colour on the other; short breeches of a remarkable thin texture, which hardly reached the middle of his thighs; a long beard, of which, it seems, they were particularly careful, having at a much later period, buckram cases to preserve them from being tumbled in their sleeps; a silk hood buttoned under his chin, embroidered with grotesque figures of animals, dancing dogs, &c. and sometimes with gold and precious stones: this dress was the top of the mode, in the reign of Edward the III.—What a contrast to the bucks of the present day.

CURING HAMS.

TAKE about a tea spoonful of powdered saltpetre, and rub it well on the skin side of each ham, and let it remain for two or three hours—then take fine salt, and mix with it as much molasses as will make it the colour of light brown sugar; with this rub the hams well all over, and then pack them up in a tight cask with their skin side downwards, put a weight on the whole, and let them remain for eight or ten days—if the hams exceed twelve or fourteen pounds each, a little more saltpetre may be added—after eight or ten days, take out the hams and drain them, then take the liquor from the cask, and add to it sixteen gallons of cold water, to which add as much salt as will make the pickle bear an egg, one pound of saltpetre and two pounds of brown sugar—boil this liquor, and skim it well when boiling—and when cold, pour it over the hams, and let them remain in it for three or four weeks, according to their size: then smoke them. The meat should be packed lightly, that the pickle may get to every part, and covered with the pickle, which can always be increased by the foregoing proportions.

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POETRY.

COMMUNICATED FOR THE HIVE.

Mr. M'DOWELL,

By giving the following Fable, a place in your paper, you will gratify H. C.

LEAST some should think too plain my story,
I'll wrap it up in Allegory:—

A Fox who long had play'd the thief,
To many an honest Farmer's grief:
At length got in such hard breadth scrapes,
Such close pursuits, so great escapes,
He thought he'd run such lengths no more,
But try more cunning than before.
Through a small cranny in the hedge,
Where Reynard's nose would hardly wedge,
He spy'd his lovely Gooling picking,
Apart from any duck or chicken:
Blest opportunity! he cry'd,
Sweet Swan I pray you step aside,
And hold with me a parley;
She all attention, left her barley,
And waddled fast to hear some more,
From that polite, enchanting lore:
O queen of birds! thou pretty creature,
Nature's pride in every feature;
How I thy snow-white feathers prize,
Thy pretty feet, and oh! those eyes.—
The lying rascal had no shame,
The Goose was grey and very lame.—
Then let us to the river side,
Where thy sister Swan's reside.
With feathers ruff'd and head up bridled,
Down to the pond the Goose she waddled,
And there surveying all her form,
Found Reynard's praises just as warm;
And when some call'd her sister Goose,
Smil'd with contempt at the abuse.
Then she consented to elope that night,
At twelve, with Reynard the polite.
Elated quite, she ran, she flew,
To where she neither cared nor knew;
Tell me, tell me charming guide,
Come we near the river side?
O, yes! he answer'd with a sneer,
Your journey's end is very near;
And thinking it high time to sup,
He quickly kill'd and eat her up.

Oh! ye Girls attend this fable,
Shun the Foxes while you're able:
To adulation bar your hearts,
Fly the flatterer, scorn his arts,
Carefully avoid the Man,
Who'd make you every Goose a Swan;
Least lost to honor and virtue's peace,
You'll find at last your Swans all Geese.

Mr. M'DOWELL,

Should you deem the following lines worthy of a place in your paper, you will insert them, and oblige an admirer of Shakespeare and of nature. Z.

Shakespeare's Appearance of Winter.

WHEN icicles hang by the wall,
And Dick the shepherd blows his nail,
And Tom bears logs into the hall,
And milk comes frozen home in pail;
When blood is nipt, and ways be foul;
Then nightly sings the staring owl
Tu-whit, tu-who, a merry note,
While greasy Joan doth keel the pot.

When all around the wind doth blow,
And coughing drowns the parson's saw,
And birds sit brooding in the snow,
And Marian's nose looks red and raw—
When roasted crabs hiss in the bowl;
Then nightly sings the staring owl
Tu-whit, tu-who, a merry note,
While greasy Joan doth keel the pot.

The tender simplicity of the following little piece, will please all readers who are of congenial dispositions.

To SUSAN.

AH, Susan! guard thy tender heart,
From flattery's soft delusive song;
Nor let the voice of truth depart,
Unheeded from an artless tongue.

No tale have I to charm thine ear,
No eloquence, alas! have I;
My tale is but a simple tear,
And all my eloquence—a sigh!

But I've a cottage in the vale,
With quiet and with plenty blest,
Where oft I hear the stranger's tale,
And welcome every wand'ring guest.

There would I nurse thine aching head,
When old and feeble thou art grown;
And when thy beauty shall have fled,
Would love thee for thy worth alone.

Then Susan, calm this brow of care,
Nor let me thus in sorrow pine;
Believe me, thou wilt never share,
A soul so full of love as mine.

A LOVE SONG—By DEAN SWIFT.

A pud in is alui de si re,
Mimis tres Ine ver require,
Alo veri find it a gestis,
His Miseri ne ver at restis.

EPIGRAM—By the same.

Dic, heris agro at, an da quar to sine ale,
Fora ringat ure nos, anda string at ure tale.

H U M O R.

A SEAMAN once coming before the committee of shipping of the East-India Company in Leaden-hall street, to be examined for some office on board one of the Company's ships, was treated with great slight and contempt by one of the members who went so far as to say that he doubted whether the fellow could box the compass that is to say, run over regularly all the points of it. Jack sturdily but humorously replied, "I can better than you can say the Lord's Prayer." All the other members laughed, and Jack thus encouraged offered to lay him five guineas of it. "You can't be said some." So the insolent gentleman thinking it best to put a good face upon the matter said, "Done with you," and laid down his five guineas. The honest tar went through his part, and boxed off the compass in high spirits, and with great precision and rapidity. The member of the committee then followed, and with little trouble went through the Lord's Prayer, having done which he stretched out his hand to take up the cash—"Avast! avast!" cried Jack, gripping his wrist with the strength of an ox—"not so fast neither." "Why," said the other, "you have not said the compass better than I did the Lord's Prayer."—"Aye but hold, I'm not half done yet," returned the sailor; and immediately began and said the compass backwards with no less precision and quickness than he had before said it forwards. Having done—"Now say the Lord's Prayer backwards if you can," said he, "and the money is yours." "I can't," said the other. "Then the money is mine," said Jack; and putting it very deliberately into his pocket, advised his antagonist to contend with his equals another time.

METELLUS, whose mother had been a woman of great gallantry, meaning to reproach Cicero of the meanness of his birth, "Learn," said he to him, "who was your father."—"It would be much more difficult for you," answered Cicero, "to learn who your father was."

TERMS OF THE HIVE.

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